

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
OMB-01 TRSE-00 /065 W
-----128524 021156Z /46

R 020620Z MAY 78
FM AMEMBASSY DACCA
TO SECSTATE WASHDC 9119
INFO AMCONSUL CALCUTTA
AMEMBASSY COLOMBO
AMEMBASSY ISLAMABAD
AMEMBASSY KATHMANDU
AMEMBASSY NEW DELHI
CINCPAC

C O N F I D E N T I A L DACCA 2734

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PINT, BG
SUBJ: IS ZIA ELIGIBLE TO RUN FOR PRESIDENT?

REF: DACCA 2640

1. TODAY, MAY 2, IS THE DATE SET FOR THE FILING OF
NOMINATIONS FOR THE PRESIDENTIAL ELECTION SCHEDULED
FOR JUNE 3. WHILE THE QUESTION OF AN OPPONENT TO
ZIA IS ENGAGING MUCH OF THE SPECULATIVE ENERGIES
OF LOCAL RESIDENTS, THE LEGAL MINDS AND THE OFFICIALS
CONCERNED WITH CONDUCTING THE ELECTION ARE UNCERTAIN
ABOUT THE ELIGIBILITY OF PRESIDENT ZIA TO BE A CANDI-
DATE FOR THE OFFICE.

2. ZIA HAS NOT RESIGNED FROM THE ARMY, AS MUCH
SPECULATION HAD IT THAT HE WOULD, AND THUS HOLDS AN
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"OFFICE OF PROFIT IN THE SERVICE OF THE REPUBLIC" AS
USUALLY DEFINED IN SYSTEMS DRAWN FROM THE BRITISH LEGAL
BACKGROUND (1972 CONSTITUTION, ARTICLE 66(2)(F).)
SOME LAWYERS AND OFFICIALS WITH WHOM WE HAVE TALKED HOLD
THAT THIS PROHIBITION REMAINS DESPITE THE UNCLEAR
ABROGATION OF THE CLAUSE IN THE MUJIBUR RAHMAN-SPONSORED
FOURTH AMENDMENT TO THE CONSTITUTION.

3. WE ARE NOT CERTAIN WHETHER THE SECRETARY TO THE ELECTION COMMISSION STILL HOLDS THE VIEW HE EXPRESSED ON APRIL 25 AND WHICH WAS REPORTED IN REFTEL, VIZMN THAT HE WOULD HAVE TO REJECT ZIA'S NOMINATION PAPERS. HOWEVER, TWO OF HIS SECRETARIAT LEVEL COLLEAGUES EXPRESSED THE OPINION ON MAY 1 THAT A LEGAL TEST WAS "INEVITABLE" AND ADDED THEIR PERSONAL VIEWS THAT ZIA MIGHT BE FOLLOWING THE "LETTER OF THE LAW" BUT NOT THE "SPIRIT" IN WHICH THE "DEMOCRATIC" CONSTITUTION OF 1972 WAS FRAMED.

4. WE WILL UNDOUBTEDLY HEAR MORE ON THIS SUBJECT, BEGINNING WITH THE SCRUTINY OF NOMINATIONS OF MAY 3.
SCHNEIDER

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NNN

Message Attributes

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Disposition Approved on Date:
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